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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 DIANDRE A. MOSBY,

11 Defendant.
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Case No. 2:13-cr-00097-JCM-CWH

ORDER

13 Presently before the court is the government's Motion to Strike Defendant Mosby's Notice
14 of Assertion of Right to be Present in Court Unshackled (ECF No. 45), filed on June 13, 2017.
15 Defendant did not file a response.

16 The court held a hearing regarding the revocation of Defendant's supervised release and
17 imposed a sentence on June 16, 2017. (Mins. of Proceedings (ECF No. 46)). Given that the "right
18 to be free from unwarranted restraints" applies in the pretrial, trial, and sentencing phases of a case,
19 and that Defendant has already been sentenced, the court will deny the government's motion as
20 moot. *United States v. Sanchez-Gomez*, 859 F.3d 649, 660-61 (9th Cir. 2017).

21 IT IS THEREFORE ORDERED that the government's Motion to Strike Defendant
22 Mosby's Notice of Assertion of Right to be Present in Court Unshackled (ECF No. 45) is DENIED
23 as moot.

24 DATED: December 5, 2017

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27 C.W. Hoffman, Jr.
28 United States Magistrate Judge